REMARKS

In the Office Action of October 30, 2006, the Examiner rejected claims 1-21. Claims 1-27 remain pending in the application. Reconsideration of this application is respectfully requested.

Claim Amendments

Applicants have herein amended claims 1, 11, and 17 and added new claims 22 – 27. No new matter is introduced as a result of this amendment, support for which is found within the specification as filed. Applicants respectfully submit that the Examiner's objection and rejections of the pending claims as set forth in the Non-Final Office Action have been overcome and that claims 1 – 27 now pending in the present application are allowable over the cited art for the reasons set forth below.

Rejections – 35 U.S.C. § 103

In the Office Action, the Examiner cited Abbott et al., U.S. Patent No. 6,748,541. However, Abbott et al. is not U.S. Patent No. 6,748,541, and the citations to specific items and texts in the Office Action do not seem to correspond to those in U.S. Patent No. 6,748,541. Based upon information and belief, it appears that the Examiner meant Abbott et al., U.S. Patent No. 6,671,808, instead of Abbott et al., U.S. Patent No. 6,748,541. The reason is that the citations to specific items and texts in the Office Action seem to correspond to those in U.S. Patent 6,671,808. Therefore, Applicants respectfully respond to the Office Action based upon the assumption that the cited Abbott et al. is U.S. Patent No. 6,671,808 (hereafter Abbott) instead of U.S. Patent No. 6,748,541.

Claim 1 (as amended) recites in pertinent part:

> a non-volatile memory coupled to the microprocessor and capable of storing user data ***and having a minimum of 8 MB of capacity***;
>
> (emphasis added).

Claim 11 (as amended) recites in pertinent part:

a non-volatile memory housed within the housing ***and having a minimum of 8 MB of capacity***;

(emphasis added).

Claim 17 (as amended) recites in pertinent part:

a memory ***having a minimum of 8 MB of capacity***;

(emphasis added).

Claims 1, 11, and 17 above are fully supported. *See, e.g.*, Specification, p. 5 ("[F]lash memory 20 can have a storage capacity between 8 MB and 512 MB."). Similarly, new claims 22 – 27 are fully supported.

The Examiner conceded that Abbott does not disclose a non-volatile memory and a biometrics-based authentication module that only grants access to the user data stored in the non-volatile memory if the user's identity is first authenticated by such biometrics-based authentication module. *See* Office Action, p. 3. The Examiner indicated, however, that Kang et al., U.S. Pub. No. 2001/0052541, teaches a non-volatile memory and a biometrics-based authentication module that only grants access to the user data stored in the non-volatile memory if the user's identity is first authenticated by such biometrics-based authentication module. *See id.* Applicants respectfully disagree.

First of all, Kang is a security device instead of a storage device. What Kang stores is not "user data" (such as pictures, music files, documents, and films), typically of large sizes. Rather, Kang stores authentication data such as a personal identification number and an electronic signature creating key, typically of very small sizes. Second, the authentication data that Kang stores is for the user to authenticate his or her identity when electronically signing a document or otherwise gaining access to another resource that requires such authentication data. The biometrics-based authentication module therefore provides a second

layer of protection in the overall authentication process for signing a document or otherwise gaining access to another resource. In other words, all Kang does is authenticating twice: first through the biometrics-based authentication module and then through the authentication data stored in the Kang device. The true purpose of Kang is still to restrict access to something outside the Kang device. In fact, the Kang device functions no differently in this regard from the Abbott device with biometrics, which also authenticates with the user's authentication data (e.g., passwords) in accessing an outside resource after such user has been first authenticated biometrically. Both Kang and Abbott are designed to restrict access to something outside. Because Kang and Abbott are really the same, there is no motivation to combine, and the combination does not teach all the subject matter in claim 1, 11, or 17.

In addition, neither Kang nor Abbott is a mass-storage device having a minimum of 8 MB of capacity in its memory. The authentication data stored in Kang or Abbott is very small, and a skilled artisan would understand that for efficiency reasons, Kang and Abbott really should not have too much memory capacity, for such extra capacity would be a total waste. As a result, neither Kang nor Abbott teaches a memory having a minimum of 8 MB of capacity. In fact, none of the other cited references, including Foster (U.S. Pub. No. 2002/0145507), Price-Francis (U.S. Patent 5,815,252), Polansky (U.S. Pub. No. 2001/0045458), and Willins et al. (U.S. Patent No. 6,990,587), teaches a memory having a minimum of 8 MB of capacity. Hence, no combination of any two or more pieces of the cited art teaches all the subject matter in claim 1, 11, or 17. Consequently, claims 1, 11, and 17 and all claims dependent therefrom (which are all the pending claims) are patentable over all the cited art.

CONCLUSION

Applicant asserts that all of the pending claims are patentable over the cited references. A favorable consideration of the present amendment together with the original application is respectfully requested. If the Office desires a telephone conference, the undersigned can be reached at (650) 213-0345.

If there are any additional charges concerning this response, please charge to White & Case LLP Deposit Account 50-3672.

Respectfully submitted,

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